

REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected under §102 based on Derosier. Claims 1 and 2 are currently amended. Support for the claim amendments are in the specification in the paragraph spanning pages 33 and 34. Reconsideration and further examination are respectfully requested.

Claim 1 distinguishes the cited reference because the setting of transmit power for the first fixed location device accounts for both the nearest neighbor fixed location device operating on the same channel and the furthest associated mobile device. If the mobile device is nearer then the power is set based on the distance to the nearest fixed location device, e.g., to a level that is detectable by that device at a relatively low level. Alternatively, if the nearest fixed location device is nearer than the furthest associated mobile device then the power is set based on the distance to the mobile device, e.g., to a level that permits communication with the mobile device. In contrast, Derosier fails to teach that the distance to the mobile wireless device should be considered. As described in the Abstract:

A receiver is used to scan for transmissions from multiple surrounding base stations. The absolute field strength of all received transmissions is measured and the information transmitted by the base stations is recorded. Then the transmission power level of a transmitter is set to have an absolute field strength greater than the highest absolute field strength detected from a corresponding base station. (emphasis added)

Withdrawal of the rejection of claim 1 is therefore requested.

Claim 3 distinguishes Derosier because the message indicates transmitted power level. Derosier teaches using measured absolute field strength. The measured field strength is a function of distance and can be influenced by environmental factors. Without knowledge of transmitted power level or location, the power level required to reach (or avoid reaching) the

device cannot be reliably calculated from absolute received field strength alone. Withdrawal of the rejection of claim 3 is therefore requested.

Claim 4 distinguishes Derosier because the transmit power is adjusted by a specified power backoff rather than measured field strength. The strength of wireless communications is a function of distance, and can be influenced by environmental conditions such as obstructions. Consequently, transmit power required to reach the other device cannot be calculated without knowing the transmit power, or being provided with location information. In accordance with the claimed invention, it is not necessary to know transmit power or location of the other device because the power is set in accordance with a backoff amount. For example, the mobile device would reduce power by 3 dB in response to a backoff value signaled from another device, whereas Derosier would set power level based on measured absolute field strength from another device. As stated in the specification, the TP Backoff value indicates how far from maximum power the sending AP's radio has been turned down.<sup>1</sup> Withdrawal of the rejection of claim 4 is therefore requested.

Claims 2 and 5 are dependent claims which are allowable for the same reasons as their respective base claims.

A terminal disclaimer is submitted with this response to overcome the double patenting rejection.

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<sup>1</sup> Page 19, last sentence

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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